

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #2	CCRB Case #: 201801534	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 12/11/2017 5:55 AM	Location of Incident: [REDACTED]	Precinct: 62	18 Mo. SOL 6/11/2019	EO SOL 6/11/2019	
Date/Time CV Reported Fri, 02/23/2018 4:22 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/23/2018 4:22 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. CPT Anthony Longobardi	00000	923451	062 PCT
2. POM Frank Mallimo	07763	951957	062 PCT
3. POF Wendy Skupien	13199	945289	062 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Peter Orsi	17903	961040	062 PCT
2. POM Anthony Brucato	08765	960287	062 PCT
3. LT Joseph Pollari	00000	940590	062 PCT
4. SGT Jeremy Berson	00406	918752	INT CIS
5. POM Jelinson Martinez	00301	955135	062 PCT
6. POM Jeffrey Stewart	06384	935791	062 PCT
7. POM Alan Walpin	07279	959355	062 PCT
8. POM Michael Nesterwitz	08478	961002	062 PCT
9. POM Christophe Matthews	20636	963145	062 PCT
10. POM Michael Alvarez	14824	944321	062 PCT
11. POM Thomas Silla	10359	942544	062 PCT
12. POM Roman Vilnyanskiy	12874	953534	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Frank Mallimo	Abuse: Police Officer Frank Mallimo entered § 87(2)(b) in Brooklyn.	[REDACTED]
B.POM Frank Mallimo	Abuse: Police Officer Frank Mallimo searched § 87(2)(b) in Brooklyn.	[REDACTED]
C.CPT Anthony Longobardi	Abuse: Captain Anthony Longobardi threatened to arrest § 87(2)(b)	[REDACTED]
D.POF Wendy Skupien	Abuse: Police Officer Wendy Skupien strip-searched § 87(2)(b)	[REDACTED]
E.CPT Anthony Longobardi	Discourtesy: Captain Anthony Longobardi spoke discourteously to § 87(2)(b)	[REDACTED]
F.CPT Anthony Longobardi	Abuse: Captain Anthony Longobardi refused to show the search warrant to § 87(2)(b)	[REDACTED]

Case Summary

On February 23, 2018, § 87(2)(b) called the CCRB to file this complaint on behalf of herself and her § 87(2)(b)-old daughter, § 87(2)(b).

On December 11, 2017, at approximately 5:55 a.m., § 87(2)(b) slept in her home, located at § 87(2)(b) in Brooklyn, with her § 87(2)(b)-old daughter, § 87(2)(b) also in her bedroom. Multiple officers from the 62nd Precinct, including Captain Anthony Longobardi, Police Officer Frank Mallimo, Police Officer Peter Orsi, and Police Officer Anthony Brucato, Lieutenant Joseph Pollari, Police Officer Jelinson Martinez, Police Officer Jeffrey Stewart, Police Officer Alan Walpin, Police Officer Michael Nesterwitz, Police Officer Christopher Matthews, Police Officer Michael Alvarez, Police Officer Thomas Silla, and Police Officer Roman Vilnyanskiy, and Sergeant Jeremy Berson of the Intelligence Criminal Investigation Section, entered the apartment (**Allegation A -Abuse of Authority: Premises entered,** § 87(2)(g)) pursuant to a search warrant (Board Review 01).

Officers handcuffed § 87(2)(b) and kept her inside her bedroom, stating that they were in possession of a warrant for § 87(2)(b), an acquaintance of § 87(2)(b). Officers looked inside a bedroom closet and underneath § 87(2)(b) bed (**Allegation B -Abuse of Authority: Premises searched,** § 87(2)(g)). Captain Longobardi allegedly repeatedly told § 87(2)(b) that she and § 87(2)(b) would go to jail if she did not call her brother, § 87(2)(b) and § 87(2)(b) and have them come to the location (**Allegation C -Abuse of Authority: Threat of arrest,** § 87(2)(g)).

Police Officer Wendy Skupien of the 62nd Precinct arrived at the location. § 87(2)(b) requested to use her bathroom, which Police Officer Skupien permitted, escorting her into the bathroom. Police Officer Skupien ran her hand underneath the bottom of § 87(2)(b) bra and inside her pants' waistband (**Allegation D -Abuse of Authority: Strip search,** § 87(2)(g)). When § 87(2)(b) requested to see the warrant, Captain Longobardi said, "Don't give her shit. She's not seeing shit" (**Allegation E -Discourtesy: Word,** § 87(2)(g)) (**Allegation F -Abuse of Authority: Refusal to show search warrant,** § 87(2)(g)). § 87(2)(b) was arrested and charged with § 87(2)(b).

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

(Board Review 07).

No video footage was found in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Frank Mallimo entered

§ 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Police Officer Frank Mallimo searched

§ 87(2)(b) in Brooklyn.

§ 87(2)(b) was interviewed at the CCRB on February 28, 2018. Police Officer Mallimo was interviewed at the CCRB on April 27, 2018. Captain Longobardi was interviewed at the CCRB on May 10, 2018. Police Officer Skupien was interviewed at the CCRB on June 7, 2018. § 87(2)(b) did not allow § 87(2)(b) her § 87(2)(b)-old daughter, to provide a statement to the CCRB.

It is undisputed that Police Officer Mallimo and his team entered § 87(2)(b) in Brooklyn pursuant to search warrant number § 87(2)(b), which was issued to Police Officer Mallimo and signed by Judge § 87(2)(b) on § 87(2)(b), and valid at the time of its execution. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: Captain Anthony Longobardi threatened to arrest

§ 87(2)(b) § 87(2)(b) alleged that, while speaking with her regarding attempts to contact her family members by telephone and § 87(2)(b) was nearby, Captain Longobardi told her that if she was unable to have a family member come to the location, § 87(2)(b) would be “going to jail with [her].”

Captain Longobardi recalled general aspects of the warrant execution and its results but did not recall specific aspects of his interaction with § 87(2)(b) including making any statement regarding § 87(2)(b) being transported to a stationhouse. Captain Longobardi stated that if all adults present at a location were arrested pursuant to warrant execution, the circumstances could necessitate that a child be transported to a stationhouse, but he did not recall whether such circumstances applied to this incident.

Police Officer Mallimo did not recall hearing, and Police Officer Skupien did not hear, Captain Longobardi threaten to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Police Officer Wendy Skupien strip-searched § 87(2)(b)

§ 87(2)(b) § 87(2)(b) alleged that, while she was alone with Police Officer Skupien in her bathroom behind an almost entirely closed door, Police Officer Skupien stated that she wished to ensure that § 87(2)(b) would not “flush anything” and ran her fingers along the inside of her pants waistband and underneath the bottom edge of her bra.

Police Officer Skupien, the only officer present for this aspect of the incident, denied that she performed such a search of § 87(2)(b) that she performed any search beyond an initial frisk pursuant to a search warrant, or that the circumstances of a discussion regarding the flushing of contraband took place.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Discourtesy: Captain Anthony Longobardi spoke discourteously to § 87(2)(b)

Allegation (F) Abuse of Authority: Captain Anthony Longobardi refused to show the search warrant to § 87(2)(b)

§ 87(2)(b) stated that an officer repeatedly stated the apartment's address incorrectly. In response, § 87(2)(b) suggested that the officers may have gone to the wrong apartment and requested to be shown the warrant. Captain Longobardi said, "Don't show her shit. She's not seeing shit."

Captain Longobardi did not recall any aspect of the allegation, telling an officer that § 87(2)(b) could not see the warrant or otherwise responding to her request to see it, including the unit number on the warrant being misread, or possessing a physical copy of the warrant.

Police Officer Skupien did not hear § 87(2)(b) request to see a warrant, did not hear any officer respond to such a request, and did not hear any officer reading the contents of a warrant. Police Officer Mallimo did not recall any of these events occurring.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party and has not been named a victim in any previous allegations (Board Review 03).
 - § 87(2)(b) [REDACTED]
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 04).
- Police Officer Mallimo has been a member-of-service for six years and has been a subject in five CCRB complaints and 23 allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- Captain Longobardi has been a member-of-service for 19 years and has been a subject in 12 CCRB cases and 21 allegations, two of which were substantiated:
 - 201507662 involved substantiated allegations of premises entered and/or searched and arrest. The Board recommended Command Discipline B, and the NYPD imposed Command Discipline A.
 - Captain Longobardi has four prior discourtesy allegations against him. Three were unsubstantiated and one was closed as alleged victim uncooperative.

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation.

- On July 25, 2018, a Notice of Claim inquiry was sent to the New York City Office of the Comptroller, and the response will be added to the case file upon receipt (Board Review 05).
- According to the Office of Court Administration, on § 87(2)(b), § 87(2)(b) pleaded guilty to disorderly conduct and received a sentence of time served in regards to the court case stemming from her arrest in this incident (Board Review 06).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date